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685 857 Generally speaking the elder boys send the younger to commit these thefts, and the plunder is enjoyed by the whole company. They threaten to beat them if they return empty-handed. A sad fate for the youngsters—blows on all sides ; blows from the owners of the fields if they are caught, blows from their comrades if they bring nothing back with them!

Here are one or two tricks employed by the little thieves. In order to take a water-melon (khalabatla) out of a field without being noticed by the women who are busy pulling up their ground nuts, they cut the stalk and fasten it to a piece of string. The other end of this is attached to the leg of the thief, who moves away slowly, drawing the water-melon after him. When he is out of reach of the women, he hastily puts it under his arm and makes off at top speed.

To catch a hen without its making a sound, they dig a little hole behind the huts of the village, and put a few grains of maize in it. The fowl puts its head into the hole to eat the grains, and immediately the little rascal who was watching from behind a bush, rushes out, seizes it by the neck and carries it off before it can utter a single cry!

672 685 The penalty when a boy is caught is a good whipping without a fine. "Psa batjongwana ! It is an action of little boys !" These minor thefts are not considered serious.

### 3) Catching game.

262 203 857 Hunger is the constant companion of these boys, who do not get enough to eat at home. It is true they ate to their heart's content (shura) yesterday evening, but this morning they had only a very scanty breakfast (fihluta). They try to satisfy their never satisfied appetite by catching game : not big game of course, as they have no real weapons, but birds, field-mice, eggs in the nests (the less fresh they are, the better, because there is more meat inside!) etc. To get birds they throw their sticks at them, and are very clever at killing a partridge as it rises heavily from the grass ; or they make traps with a flexible stick to which they tie a string with a bait. They bend the stick, set the trap by means

578 685 643 692 judged before the Court, in the capital, because the offender has refused to follow the way of persuasion, he has "mocked the family love" (a yalile bushaka). Such misdemeanours are very frequent in the life of the village. Most of the Natives bear philosophically with these annoyances. Should some one, however, be really ill-natured, and wear out their patience (wa ku karata), he will be 685 672 692 732 689 forced to build a hut for himself, alone, outside the village. If the damage is done by *children*, if they have stolen sweet potatoes, as we have seen, the wronged proprietor gives them a good thrashing but does not claim a fine. Occasionally the headman himself thrashes them in presence of their father, and the father will say to them: "You see the numzane will beat you if you are not good." Children who mock at cripples are also severely beaten by him, all the more so as, in this case, the offended party has the right of claiming a fine.

622 596 675 3) The headman also possesses *authority over his younger brothers and his children*. He can even confiscate their money if one of them is addicted to drinking and ruins his property. However his authority in this respect must not be overstepped, and the headman must take care how he exercises it, as it is based more or less on sufferance. The younger brothers, for instance, maintain the right of making contracts, especially lobola contracts. Should the numzane restrict their liberty too much, they will leave him and found their own villages. A successful headman is he who knows how to keep the whole family together to the general satisfaction.

622 546 466 4) The headman has also the right of imposing *statute labour*, especially when the oxen kraal must be rebuilt, or when the weeds must be removed from the hubo ; he sends his young men to do the work. But he must not exact too much from his people or forget to feast them with beer or with meat when the work is finished.

622 546 5) Lastly the headman *presides over all the discussions* which take place in the village. He is the master of the hubo. The discussion can be conducted in three different places ; when it deals with a secret matter, the men go *inside the hut* : they debate the matter indoors (ba bulabula ndlwen). Private questions

622 596 affecting the life of the village are generally settled there. Questions discussed with strangers and those regarding which there is no secrecy, and in which every one can take part, are discussed *on the central square*, on the "hubo". *Hubo* means the square, and also the council of the men of the village which the headman summons there to settle matters (ku khanela timhaka). Should they be able to come to an agreement together or with their visitors who have come to bring a claim, the matter is "cut" (ba tjema mhaka), viz., "ended". In the opposite case, when they disagree altogether, the question will be carried to a third place, before the *hubo of the chief*, in the capital. (See Part III).

562 Every one is welcome to take part in the discussions except women. As a rule men speak as little as possible with women on these matters. If a husband has a sensible, discreet wife, he may ask her advice. But if he has agreed with his companions on a point and changes his mind after having spoken with his wife, he will be severely blamed and accused of "spoiling the village" (hona muti).

622 596 672 The headman is more or less *responsible for all the claims* lodged against his subordinates. Should one of his younger brothers be prosecuted for a debt, the creditors will go to the numzane, and he cannot say: "This matter does not concern me." He will say to his brother: "Pay your debt," and, if the brother has no funds, he will help him, if possible, but it is only a loan, and the younger brother will pay back the money. As a rule members of the same family help each other in these matters. This is so much the custom that children are expected to pay the debts of their deceased parents, even if they have not inherited anything from them. This does not however procede from a moral sense of family dignity. They do it because the native authorities hold them responsible. They might be "arrested". In the case of a father who has died still owing some lobola money, the children will try to pay, but they will do it in order to obtain possession of the woman. Should a father have committed adultery with a married woman, and die without having paid the fine, his heirs are not considered responsible. On the other hand, if the father has been condemned as a wizard

622 by the chief, and dies, his heirs must pay the compensation
596 claimed. All these rules clearly illustrate the communism of
622 family life and family property, under the supervision of the headman.

Should a numzane be absolutely unable to govern his village, 622 *the family council can depose him* and put another man in his 596 place. This council will be formed of old relatives, especially the paternal uncles to whom the younger brothers will go and complain of the misbehaviour of their headman. A younger brother will then be proclaimed and the elder will be despised. They will say: "Hi singe! A fahla muti, a hluli hi muti!" "He is a fool! He breaks the village; he is overcome by the village," viz., not able to keep up his position.

As regards the *law of succession* to the headmanship, the second brother takes the place of the elder, and so on. The son of the elder cannot become headman until all his paternal uncles are dead. We shall find this principle also observed in the succession of the chiefs. (Part III.)

## D. DAILY LIFE IN THE VILLAGE.

461 From the oxen kraal to the huts, from the square to the little wood, through the doors and in the reed yards, black forms are moving to and fro. Everybody seems busy. There is talking, laughing, playing and working. The expression "working like a nigger" is hardly applicable, for they do not kill themselves with work. It would, however, be quite as great a mistake to believe that the Natives spend all their time in loafing about. Far from it!

### 1. *Women's occupations.*

462 Women, especially, are very busy. When the sun rises, they
511 emerge from their huts, wash their faces, and light a little fire to warm the mealie pap which was left from the evening meal.

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671 possesses a rich store of *judicial expressions*. Here are the most common : *Nau* (pl. milau) means law, custom. *Ku tlula nau*, to jump over the law, means transgression. *Nandju* (pl. *milandju*) means the fault resulting from transgression. This interesting word comes from *ku landja*, to follow. It applies in the first instance to cases which lead to a prosecution, but secondly to any fault. *Ku doha*, is to be wrong and *ku dohela mhunu*, the applicative derivative, to wrong another. *Ku da*, to eat somebody, or *dela*, is also a picturesque expression employed for injury to property. *Ku ramba* (Dj.), *ku rjamela hosin* (Ro.) is the technical expression to designate a complaint lodged before the chief. *Ku riha* (Dj.), *djiha* (Ro.) means to pay a fine, and *rihisa*, *djihisa* (the factitive derivative), to impose a fine.

672 This strong sense of justice however differs from the European on certain points. Owing to their collectivist notions, the Bantus consider relatives as responsible for the debts of their own kin, as we have already seen (p. 332). Another case in which they entertain ideas which seem very strange to us is this ; when anyone has lent you an implement and you make a bad use of it, the fault is as much the lender's as the borrower's. I remember a queer case which took place in my school in Rikatla. Some boys had to go in the afternoon to work in the vegetable garden under the supervision of their overseer. On the way one of them happened to hurt his foot by treading on a thorn. So, when he arrived in the garden, he borrowed a knife from the overseer and began to make sandals of palm-leaf pith. The elder boy entreated him to work. He refused to obey, so the overseer denounced him publicly, when the weekly inquiry into the conduct of the boys was made, on the following Friday. But the temporary shoemaker did not admit to being guilty of anything at all, and his final argument was this : "I cannot understand how Mr. Overseer can accuse me when he himself lent me the knife which I used to carve my sandals!" D. Kidd tells similar stories about Pondos in his "Essential Kafir."

671 So there are differences between Native and European conceptions of justice, and Bantus do not always draw the same conclusions as we do from given premises. Native Commissioners

VI.) If found guilty, he will have to pay an extra fine of two oxen (1).

When the abducted woman is an unmarried girl, the matter is not serious. No trouble is entailed, provided she does not become pregnant. In the latter case, the seducer can say: "Ndji dlele ku dya: I have killed to eat," viz. "I am ready to lobola the girl" (p. 97). If the girl does not consent, the man is free. But if the man does not wish to marry the girl by paying a full lobolo, whilst the girl and her relatives want him to do so, he will have to pay as much as £ 30 and an ox. "He has spoilt his cause!" His own relatives will be arrested and forced to pay. They are responsible for him and will scold him severely. (Mankhelu).

*Fighting ending in blows.* The wounded man runs to the square of the capital and shows himself. The assailants will have to pay a fine of £ 8, three for the chief and five for the victim, or of two oxen, one for the chief and one for the plaintiff. (Mankhelu).

*Murder.* A distinction is made between involuntary murder, which is an accident (mhango, Dj.), and a deliberate assassination. In the case of *involuntary murder*, Mankhelu describes the proceedings as follows: —Should you have killed a man by accident in a hunting trip, for instance, you will try to arrange matters directly with his relatives, if you were good friends; your relatives will give them a girl. You dare not offer your own daughter, because they may refuse her, on account of their bad feelings! The same objection will not be made if your people provide the girl. They will accompany her with ten hoes and an ox, saying: "This is fat to smear our daughter." The notion which is at the base of this custom is not that a human person is the natural compensation for another human person, but that you give the diminished family a means of making good its loss. In fact as soon as the girl has born a child to the relatives of the deceased, she is free. If these men wish to keep her as their wife, they must

(1) The neighbouring Chopi tribe, on the contrary, leaves the husband to arrange matters as he likes. Formerly he used to kill the adulterer. But cases of adultery are never brought before the chief.

682 lobola. Viguet explains that this is done according to the old
338 saying of Native law: "Nwombekazi a yi ambi nandju" viz. "a
826 cow which has calved is not used to pay a fine; the calf pays it."
672 (See page 217.) He adds that the ten hoes sent with the girl pay for the ribs of the murdered man. (The Ba-Thonga believe that the human body has only ten ribs!) A case of involuntary homicide
682 is generally not brought before the chief, as the law is well known
643 and no one would try to evade his duty. Should however the
672 murderer not have been on good terms with the deceased, the matter will be discussed before the Court.

If the murder was *deliberate*, it is punished by death.
682 At least such was the law in former times, when Natives still
672 possessed the power of condemning to death. Now the fine is also the remittance of a woman. But owing to the existing hatred, and from fear of being obliged to lobola the relative of the murderer, the family of the deceased does not take the girl. She is sold by her parents and only the money is remitted to the plaintiff. (Mankhelu.)

682 Amongst the Ba-Ronga, when a near relative of the murdered
627 man wishes to avenge himself by killing the assassin, his people prevent him from doing so, in order to bring the matter before the chief. When a man called Mashabe was killed by the son of Gigiseka, Maphunga's brother, the murderer, had to pay £ 20. The fine may be as much as £ 25, but the idea is also to help the bereaved family to acquire a new spouse and, through her, new members. As for the murderer, he is regarded with scorn, and despised by the whole community. For a whole week, he must eat apart. He is unclean. So, at the time of luma bukanye, (page 400), he must also take miluru medicine together with the warriors who have killed enemies; but he does not drink it boastfully, extolling his deed! People say of him: "Look at the murderer!" (Mboza.)

The vendetta, the savage custom which makes it incumbent on the relations of a murdered man to avenge his death themselves at all costs and by any means, is absolutely absent from Thonga custom. It may be said that, as regards punishment of murder, they have reached quite a civilised stage in their judicial